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E.O. 12958: N/A

TAGS: [PGOV](#) [PREL](#) [IZ](#)

SUBJECT: VP ADEL RETURNS PROVINCIAL POWERS LAW TO COR:
LETTER AND PRESS STATEMENT

¶1. On February 26, Vice President Adel Abdel Mehdi, acting in his capacity as a member of the GOI Presidency Council empowered to ratify or reject legislation passed by Iraq's Council of Representatives (CoR) within a prescribed period of review, formally notified the CoR Secretariat in writing of his objection on constitutional grounds to the draft Provincial Powers law, one of the three legislative items passed by the CoR on February 13 as part of an omnibus package. We will analyze possible ramifications of this development and suggest an appropriate USG response septel. This cable contains unofficial translations of the operative portions of Adel's objection letter and the CoR Secretariat's press statement regarding this development.

¶2. Begin unofficial translation of Adel's objection letter:

We would like to inform you of our objection to the draft Provincial Powers Law which has been passed in the parliament session number 54 on February 13, 2008, the second legislative chapter/second legislative year/first election term, and pursuant to the powers authorized under the permanent constitution/article 138/fifth. Our objection is based on our belief that many of its articles are either ambiguous, need to be clarified, or might be in violation of constitutional provisions which give wide powers to the provinces to build the federal and decentralized system, yet, on the contrary, the draft law may be heading towards increased central government authority in violation of the constitution.

This law violates most of the articles mentioned in the fourth section of the constitution, especially the two articles 114 and 115, and violates article 122 regarding the broad administrative and financial authorities that the provincial government council is not being subjected to the control or supervision of any ministry or any ministerial related entity and has an independent financial budget. It also did not include details; even referring to the many articles of the constitution which gave the provinces specific rights. Reviewing the constitution articles 105, 106, 110, 112, 113 and others shall bring out the fact of the matter.

The legal experts in our office are currently studying all the alternative proposals and details and shall, within a few days, submit a complete document of the articles objected to, as well as suggestions of required amendments.

Our position on the law does not deny many of the positive issues contained therein. We particularly support what the parliament had endorsed regarding provincial council elections to take place by the beginning of October.

Therefore, we would like to inform the CoR Presidency of our objection. Note that this law will not go into effect until after the provincial elections, as the parliament is enjoying a legislative holiday and the preservation of the election date will allow the responsible bodies to continue its work

to abide the stated deadlines, which would not pose any obstruction to the schedule agreed upon.

End unofficial translation of Adel's letter.

¶3. Begin unofficial translation of CoR Secretariat Press Statement:

On February 17, the CoR Secretariat sent to the Presidency Council the following draft laws that had been passed by the CoR: the 2008 GOI Budget, the General Amnesty Law, and the Provincial Powers Law.

The Presidency Council has ratified the 2008 GOI Budget and the General Amnesty Law and has sent the items to the Ministry of Justice to be published in the official GOI Gazette. However, the Council did not reach consensus regarding the draft Provincial Powers Law. A formal objection letter was presented pursuant to Article 138 of the Constitution and the draft law was returned to the CoR for constitutional review of the provisions cited in the objection letter.

However, the Presidency Council unanimously supports adherence to the scheduled date of holding provincial elections by October 1, 2008. The formal objection does not pose any obstacle to adherence to this proposed date, particularly because the Provincial Powers Law will not in any event take legal effect until after such elections are conducted.

End unofficial translation of CoR Press Statement.
CROCKER